

Action taken report filed by the District Collector, Kakinada before the Hon'ble National Green Tribunal (SZ) Chennai in OA No.65/2020 with OA No.74/2020, order dated 25.08.2022.

It is submitted that the OA No.65/2020 was filed by Sri Satyanarayana Bolisetty D.No.1-54-10/4, Plot-50, HIG, Sector-I, MVP Colony, Vishakhapatnam Urban, Vishakhapatnam, A.P. against the Government seeking a direction to the respondents to stop construction activities in the lands in Sy.No.374, 376 etc., at Dummulapeta, Kakinada Urban mandal for providing house sites under Navaratnalu Pedalandariki Illu Scheme to protect the Mangroves.

Similarly, another OA No.74/2020 was filed by Sri D.Paul and others against the Government seeking a direction to the respondents to stop construction activities in the lands in Sy.No.374, 376 etc., at Dummulapeta, Kakinada Urban mandal for providing house sites under Navaratnalu Pedalandariki Illu Scheme to protect the Mangroves.

The Hon'ble National Green Tribunal in the order dated 25.08.2022 in OA No.65/2020 (SZ) with OA No.74/2020 (SZ) ordered the District Collector to file a report with reference to CRZ area as per Coastal Zone management plan and also whether any steps have been taken for restitution of the damage caused (restoration of the stream) as recommended by the Joint Committee.

In this regard, I submit hereunder the brief history of the case.

1. The Government of Andhra Pradesh have announced a flagship program Navaratnalu - Pedalandariki Illu for distribution of 25 Lakhs house site pattas to all the eligible beneficiaries residing in Rural and Urban areas and the Government vide G.O.Ms.No.510, dated 30.12.2019 Revenue (LANDS-1) Department, A.P. have authorized the District Collectors of the respective districts to resume the unutilized Government lands for providing house sites to the houseless poor.
2. The then District Administration has identified and resumed an extent of Ac.116.81 Cts of land in T.S.Nos.2004, 1985/3, 1990, 387, 376P and 374 which was earlier allotted to Port Department as it was remained unutilized. The resumed land was allotted to Kakinada Municipal Corporation for providing house sites to eligible beneficiaries under the flagship programme Navaratnalu - Pedalandariki Illu Scheme.
3. The extent of Ac.116.81 cts of land was handed over to Municipal authorities on 21.01.2020 for housing to the houseless families. Due to the court cases, the development works have been stopped in the last week of April, 2020.

4. At this stage, the present OAs filed against proposed housing were filed questioning the developmental works in the proposed land alleging that it will adversely affect the Mangroves and Green cover in the area on the plea that the Ecological balance will be effected.
5. The Hon'ble National Green Tribunal (SZ) vide orders dated 30.04.2020 in OA No.65/2020 has constituted a joint Committee comprising of (1) Senior Officer from the Regional Office of MoEF& CC, Chennai (2) Senior Officer from Andhra Pradesh Coastal Zone Management Authority (3) Senior Officer nominated by the Principal Chief Conservator of Forest and Head of Forest Forces / Chief Wildlife Warden (4) District Collector, East Godavari District and (5) District Forest officer, East Godavari District, Kakinada to go into the question as to whether the area in question was a mangrove forest subject to the provisions of Coastal Regulation Zone Notifications 2011 and 2019 requiring any clearance for any project, whether any clearance from MoEF& CC or Forest Department is required under the Forest Conservation Act, 1980 and whether permission from the Chief Wildlife Warden is required for commissioning the project.
6. The Joint Committee has inspected the land in question on 10.12.2020 and submitted it's report. In the report, the Committee among other things observed as follows.
 - a) After comparing the Google earth images dated 14.02.2020 and 28.10.2019 it is found that some destruction was occurred in the green cover and it is also revealed from the Historical map from 25.05.2005 till date that there were some green patches and the same are leveled.
 - b) The area in question is in CRZ-1A as per the CRZ map 2011. As per the CRZ Notification 2011 no new construction shall be permitted in CRZ-1 except certain pipe lines laying, installation of whether radar. CRZ clearance is required as the area is in CRZ-1A. But area development projects are not permissible in the area of in CRZ-1A.
 - c) As Eco Sensitive Zone (ESZ) has not been notified, no wildlife clearance is required for the project. As per the Forest cover map, the area falls under non forest and open forest (all lands with tree cover (including mangrove cover) of canopy density between 10% to 40%)
7. The Hon'ble National Green Tribunal in order dated 18.03.2021 in OA No.65/2020 (SZ) with OA No.74/2020 (SZ) ordered to consider the vulnerability study of these areas and submit further report by

hiring experts. Accordingly a Joint Committee was formed on 04.05.2021 with authenticated persons i.e., with two professors of JNTU, Kakinada, DFO, Social Forestry Division, Principal, SIFT (State Institute of Fisheries Technology), Kakinada, Joint Director, Fisheries, Kakinada and one Advocate and Founder President, Maitreyi Women's organization, Kakinada.

8. The Joint Committee has inspected the land in question on 11.05.2021 and submitted its report observing that 18 acres of mangroves is disturbed and calculated environmental compensation as per carbon sequestration method as Rs. 33 lakhs and also cost of raising mangroves over alternate non forest land as Rs. 15.33 lakhs total Rs.48.33 lakhs.
9. At this stage, pursuant to the orders of the Hon'ble National Green Tribunal, I have inspected the land in question on 05.9.2022 and I have noticed as follows.
 - a) The land in question is towards landward side of the existing Port (ADB Road) Road leading from Rajanagaram to Kakinada Port and also the site is in the limits of Kakinada Municipal Corporation.
 - b) The green patches removed in the present case are developed on the landward side of the existing 100 feet ADB road. There are developed structures on the eastern side of the lands in question between the sea coast and the lands in question can be seen in the subject lands. The lands are situated in between railway track and ADB road. In fact the sea coast is 500 meters away from ADB road on the eastern side and the area between the sea coast and the present lands is covered by several concrete structures relating to various industries.
 - c) Pursuant to the directions given by the Hon'ble High Court in WP No.8221/2020 dated 23.4.2020 all the developmental activities in the subject lands have been stopped and no construction activity is going on.
 - d) As per the CRZ map 2011, the area in question is in CRZ-1A. As per the CRZ Notification 2019 under clause 5.2 CRZ section (ii) construction of buildings for residential purpose shall be permitted only on landward side of the existing road. Since the land in question is situated at a distance of 500 meters from the sea coast towards the landward side of the existing ADB road and as there are several concrete structures of various industries are existing on the eastern side of the land in question between the existing ADB road and the sea coast. My predecessor authorities have submitted a proposal to the Member Secretary, AP Coastal

Zone Management Authority, Vijayawada in file no.ALN/70/2019-SA(E2) dated 29.05.2020 for according clearance as it is intended for provision of house sites to weaker sections.

- e) As per the CRZ notification 2019 under clause 5.2 CRZ section (ii), construction of buildings for residential purpose shall be permitted only on landward side of the existing road or on the landward side of the existing authorized fixed structures. Since the land in question is more than 500 meter away from HTL on the landward side and likely to fall under CRZ-II as per the CRZ Notification 2019. Hence proposals were submitted for clearance by then authorities.
- f) Now, all the developmental activities are stopped pursuant to the orders of the Hon'ble High Court in WP No.8221/2020 dated 23.4.2020. No construction activities are running in the subject lands.
- g) All necessary steps will be taken as per the orders of the Hon'ble National Green Tribunal for restitution of the damage caused (restoration of the stream) as recommended by the Joint Committee.

It is respectfully submitted that pursuant to the orders of the Hon'ble National Green Tribunal, all activities have been stopped in the land in question and the proposal for sanction of housing in the subject lands has been withdrawn and the beneficiaries are accommodated in another locality and no construction activities are running in the subject lands.

In obedience to the orders of the Hon'ble National Green Tribunal, Joint Committee was already formed and the Committee proposed environmental compensation and the same is submitted before the Hon'ble National Green Tribunal. All necessary steps will be taken as ordered by the Hon'ble Tribunal for re-rejuvenation and restoration of mangroves.

Therefore, it is prayed that this Hon'ble National Green Tribunal may be pleased to record this report and pass appropriate orders in the matter.

This is submitted for kind information.

Signed at Kakinada on this the 5th day of September, 2022

COLLECTOR & ~~DISTRICT~~ MAGISTRATE,
KAKINADA DISTRICT, KAKINADA